IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4193 OF 2003

Miss Meena Yeshwant Ambre .. Petitioner

v/s.

The Secretary,
Shri Madhav Yeshwant Pethe
Vyapari Dharmaday Education Society
and ors. ..Respondents

Ms.Kumud A.Bhatia for the petitioner.

Mr.P.P.Chavan for the respondent No.3.

Mr.R.M.Patne, Assistant Government Pleader for the respondent Nos.4 to 6.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 29th April, 2005

P.C.

Heard.

2. Mr.P.P.Chavan, the learned advocate for respondent No.3 states before us that the admission form pertaining to the petitioner for D.Ed. course has already been forwarded to the Director of Education, Maharashtra State. Mr.R.M.Patne, AGP is not in a position to make any firm statement about the status of the petitioner's admission. Be that as it may, we are of the view that now since the petitioner's admission form for D.Ed. course has

been forwarded to the Director of Education, Maharashtra State, the Director of Education must take appropriate steps for admission of the petitioner in the concerned institute for D.Ed. course that is to be commenced henceforth.

3. As regards the petitioner's prayer that action of respondent Nos.3 and 4 in recovering the petitioner's difference in the salary and allowances of trained graduate pay scale as illegal, suffice it to say that in the earlier writ petition being writ petition No.1447 of 2001 filed by the petitioner, this court in its order dated 31st July, 2001 has already clarified that such teachers who had not obtained D.Ed. qualification, shall be treated as untrained teacher until such teachers acquire D.Ed. qualification.

4. Thus, we find no illegality in the action of respondent Nos.3 and 4 in recovering the difference in the salary and allowances of trained graduate pay scale paid to the petitioner to which she was/is not entitled until she acquires the qualification of D.Ed.

5. We, accordingly, allow the writ petition in part and direct the Director of Education, Maharashtra

State to take steps immediately for admission of the petitioner in the D.Ed. course in the concerned institute.

6. The other prayers in the writ petition are rejected.

(R.M.LODHA, J.)

(R.S.MOHITE, J.)